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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO

MARIA KARLA TERRAZA, individually and
on behalf of the SAFEWAY 401(k) Plan,

Plaintiff,

vs.

SAFEWAY INC., BENEFIT PLANS
COMMITTEE SAFEWAY INC.,
and DOES 1 to 100 inclusive,

Defendants.

Case No. 3:16-cv-03994-JST

**JOINT STIPULATION TO CONTINUE
CASE DEADLINES; ~~PROPOSED~~
ORDER**

Assigned to Hon. Jon S. Tigar

Plaintiff, Maria Karla Terraza, and Defendants Safeway Inc. (“Safeway”), the Benefit Plans Committee Safeway Inc. n/k/a Albertsons Companies Retirement Benefit Plans Committee (“Benefit Plans Committee”), Peter J. Bocian, David F. Bond, Michael J. Boylan, Robert B. Dimond, Laura A. Donald, Dennis J. Dunne, Robert L. Edwards, Bradley S. Fox, Bernard L. Hardy, Russell M. Jackson, Peggy Jones, Suz-Ann Kirby, Robert Larson, Melissa C. Plaisance, Paul Rowan and Andrew J. Scoggin (the “Safeway Defendants”), as well as Defendant Aon Hewitt Investment Consulting, Inc. (“Aon” and, collectively with the Safeway Defendants, “Defendants”), through their counsel, hereby stipulate and agree that:

WHEREAS, Plaintiff filed a complaint against Safeway Inc. and the Benefits Plans Committee Safeway Inc. on July 14, 2016;

WHEREAS, Plaintiff filed an Amended Complaint on November 18, 2016 (Docket No. 37);

WHEREAS, Plaintiff filed a Second Amended Complaint on March 31, 2017 (Docket No. 72);

WHEREAS, Aon filed a motion to dismiss the Second Amended Complaint on June 22, 2017 (Docket No. 83);

WHEREAS, the Court entered an order granting in part and denying in part Aon’s motion on December 11, 2017 (Docket No. 109);

WHEREAS, the Parties Stipulated to Continue Case Deadlines, and this Court has entered orders continuing case deadlines on November 30, 2017 (Dkt. 108) and on February 20, 2018 (Dkt. 119);

WHEREAS, the Parties have exchanged initial disclosures, engaged in written discovery and exchange of documents, and will have taken 17 fact witness depositions on or before the current deadline to complete fact discovery on April 27, 2018;

WHEREAS, when the current deadline to complete fact discovery passes, three additional depositions will remain to be taken;

WHEREAS, because depositions will remain outstanding when the current deadline to complete fact discovery passes, the Parties will be unable to provide potential experts with all fact discovery relevant to the case when fact discovery closes;

WHEREAS, although the Parties have been working diligently and cooperatively in the discovery process and in preparing this case for trial, the Parties believe that, given the number of Defendants and the scope of discovery, including the necessity of taking 20 depositions in no less than five different states, the current schedule does not provide adequate time to complete discovery and exchange expert reports. The Parties therefore respectfully request that the Court continue the case deadlines as detailed below;¹

WHEREAS, the Parties have previously made two requests to extend the deadlines for completing discovery and filing dispositive motions, and the pretrial and trial dates (Dkts. 108, 119);

WHEREAS, the Parties do not propose any change in the trial schedule or the remainder of the pretrial schedule;

NOW, THEREFORE, the Parties, through their respective counsel, hereby stipulate, subject to the approval of the Court, to the following schedule:

Event	Current Deadline (Dkt. 119)	Proposed Deadline	Length of Requested Extension
Deadline to complete fact discovery	April 27, 2018	May 3, 2018	Six Days
Deadline for expert disclosures	May 11, 2018	May 22, 2018	Eleven Days
Deadline for expert rebuttal	May 30, 2018	June 8, 2018	Nine Days
Deadline to complete expert discovery	June 8, 2018	June 20, 2018	Twelve Days
Deadline to file dispositive motions	June 21, 2018	June 28, 2018	Seven Days

IT IS SO STIPULATED.

DATED: April 26, 2018

TRUCKER ♦ HUSS

By: /s/R. Bradford Huss

R. Bradford Huss
Attorneys for Defendants
SAFEWAY INC. and SAFEWAY BENEFIT
PLANS COMMITTEE

¹ Counsel for the Parties have also met and conferred with counsel for Plaintiff in the *Lorenz* matter, and anticipate submitting a stipulation in that case proposing an identical modification of the schedule in that case.

1 Dated: April 26, 2018

O'MELVENY & MYERS LLP

2 By: /s/Randall W. Edwards
3 Randall W. Edwards
4 Attorneys for Defendant
AON HEWITT INVESTMENT CONSULTING,
INC.

5 Dated: April 26, 2018

SHEPHERD, FINKELMAN, MILLER & SHAH, LLP

6 By: /s/James E. Miller
7 James E. Miller
8 Attorneys for Plaintiff
9 MARIA KARLA TERRAZA, individually and on
10 behalf of the SAFEWAY 401(K) PLAN

11 I attest that my firm has obtained concurrence in the filing of this document from James E.
12 Miller and Randall W. Edwards.

13 DATED: April 26, 2018

TRUCKER ♦ HUSS

14 By: /s/R. Bradford Huss
15 R. Bradford Huss
16 Attorneys for Defendants
SAFEWAY INC. and BENEFIT PLANS
COMMITTEE SAFEWAY INC.

17 ~~PROPOSED~~ ORDER

18 Good cause exists for an order continuing the deadlines for completing fact and expert
19 discovery, including submitting expert disclosures and rebuttals, and filing dispositive motions to
20 the following dates:

21 May 3, 2018 – Deadline to complete fact discovery

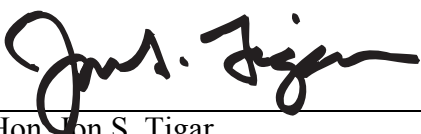
22 May 22, 2018 – Deadline for expert disclosures

23 June 8, 2018 – Deadline for expert rebuttal

24 June 20, 2018 – Deadline to complete expert discovery

25 June 28, 2018 – Deadline to file dispositive motions

26 DATED: April 27, 2018

27 
28 Hon. Jon S. Tigar
United States District